

# CONFIRMATION COPY

**Athersys**

i n c.

3201 CARNegie AVENUE • CLEVELAND, OH 44115-2634

TELEPHONE: (216) 431-9900

FACSIMILE: (216) 361-9495

---

## FACSIMILE TRANSMITTAL SHEET

---

TO:	FROM:
Examiner Betty Forman	Anne Brown, Esq.
COMPANY:	DATE:
U.S. Patent & Trademark Office	June 26, 2001
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
(703) 308-8724	15
PHONE NUMBER:	SENDER'S PHONE NUMBER:
(703) 306-5878	(216) 426-3586
RE:	SENDER'S FAX NUMBER:
<b>0221-0003O(C)</b>	(216) 361-9495

---

URGENT

PLEASE REPLY

ORIGINAL TO BE SENT AS CONFIRMATION

---

### MESSAGE:

Re: U.S. Patent Application No. 09/760,897  
**Title: Compositions and Methods for Non-Targeted Activation of Endogenous Genes**  
Attorney Docket No.: 0221-0003O(C)

Attached are the following documents:

- 1 – Certificate of Transmission under 37 C.F.R. 1.8 (1 page)
- 1 – Fee Determination Record Form (1 page)
- 1 – Fee Transmittal Form (1 page)
- 1 – Third Preliminary Amendment (11 pages)

---

**Confidentiality notice:** This message is intended for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader is not the intended recipient, or the employee or agent responsible for the delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this information is strictly prohibited. If you have received this message in error, please notify Athersys, Inc. immediately at (216) 431-9900, and return the original message to 3201 Carnegie Avenue, Cleveland, OH 44115-2634, via the U.S. Postal Service. Thank you.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.  
Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
PTO/SB/97 (08-00)

## Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the  
United States Patent and Trademark Office

on June 26, 2001  
Date



Signature

Sophia L. Davis

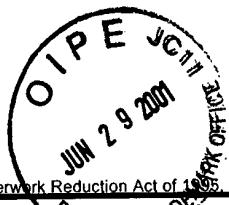
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify  
each submitted paper.

### Attached are the following documents:

- 1 - Fee Determination Record Form (1 page)
- 1 - Fee Transmittal Form (1 page)
- 1 - Third Preliminary Amendment (11 pages)

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 390.00)

## Complete if Known

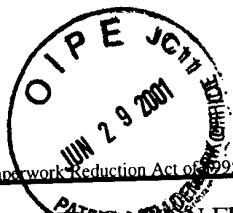
Application Number	09/760,897
Filing Date	January 17, 2001
First Named Inventor	Harrington, John J.
Examiner Name	Forman, B.
Group Art Unit	1655
Attorney Docket No.	0221-0003O(C)

METHOD OF PAYMENT				FEE CALCULATION (continued)																																																																																																																																																														
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:</p> <p>Deposit Account Number <b>50-0622</b></p> <p>Deposit Account Name <b>SHANKS &amp; HERBERT</b></p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>				<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for ex parte reexamination</td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td></tr> <tr><td>116</td><td>390</td><td>216</td><td>195</td><td>Extension for reply within second month</td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445</td><td>Extension for reply within third month</td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td>Extension for reply within fourth month</td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td>Extension for reply within fifth month</td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td>Notice of Appeal</td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td></tr> <tr><td>141</td><td>1,240</td><td>241</td><td>620</td><td>Petition to revive - unintentional</td></tr> <tr><td>142</td><td>1,240</td><td>242</td><td>620</td><td>Utility issue fee (or reissue)</td></tr> <tr><td>143</td><td>440</td><td>243</td><td>220</td><td>Design issue fee</td></tr> <tr><td>144</td><td>600</td><td>244</td><td>300</td><td>Plant issue fee</td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt</td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td></tr> <tr><td>146</td><td>710</td><td>246</td><td>355</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td></tr> <tr><td>149</td><td>710</td><td>249</td><td>355</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td></tr> <tr><td>179</td><td>710</td><td>279</td><td>355</td><td>Request for Continued Examination (RCE)</td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td></tr> <tr><td colspan="4">Other fee (specify) _____</td></tr> <tr> <td colspan="4">*Reduced by Basic Filing Fee Paid</td> <td colspan="2">SUBTOTAL (3) (\$)</td> </tr> </tbody> </table>				Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge - late filing fee or oath	127	50	227	25	Surcharge - late provisional filing fee or cover sheet	139	130	139	130	Non-English specification	147	2,520	147	2,520	For filing a request for ex parte reexamination	112	920*	112	920*	Requesting publication of SIR prior to Examiner action	113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	115	110	215	55	Extension for reply within first month	116	390	216	195	Extension for reply within second month	117	890	217	445	Extension for reply within third month	118	1,390	218	695	Extension for reply within fourth month	128	1,890	228	945	Extension for reply within fifth month	119	310	219	155	Notice of Appeal	120	310	220	155	Filing a brief in support of an appeal	121	270	221	135	Request for oral hearing	138	1,510	138	1,510	Petition to institute a public use proceeding	140	110	240	55	Petition to revive - unavoidable	141	1,240	241	620	Petition to revive - unintentional	142	1,240	242	620	Utility issue fee (or reissue)	143	440	243	220	Design issue fee	144	600	244	300	Plant issue fee	122	130	122	130	Petitions to the Commissioner	123	50	123	50	Processing fee under 37 CFR 1.17(q)	126	180	126	180	Submission of Information Disclosure Stmt	581	40	581	40	Recording each patent assignment per property (times number of properties)	146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	179	710	279	355	Request for Continued Examination (RCE)	169	900	169	900	Request for expedited examination of a design application	Other fee (specify) _____				*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$)	
Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																														
105	130	205	65	Surcharge - late filing fee or oath																																																																																																																																																														
127	50	227	25	Surcharge - late provisional filing fee or cover sheet																																																																																																																																																														
139	130	139	130	Non-English specification																																																																																																																																																														
147	2,520	147	2,520	For filing a request for ex parte reexamination																																																																																																																																																														
112	920*	112	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																														
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																														
115	110	215	55	Extension for reply within first month																																																																																																																																																														
116	390	216	195	Extension for reply within second month																																																																																																																																																														
117	890	217	445	Extension for reply within third month																																																																																																																																																														
118	1,390	218	695	Extension for reply within fourth month																																																																																																																																																														
128	1,890	228	945	Extension for reply within fifth month																																																																																																																																																														
119	310	219	155	Notice of Appeal																																																																																																																																																														
120	310	220	155	Filing a brief in support of an appeal																																																																																																																																																														
121	270	221	135	Request for oral hearing																																																																																																																																																														
138	1,510	138	1,510	Petition to institute a public use proceeding																																																																																																																																																														
140	110	240	55	Petition to revive - unavoidable																																																																																																																																																														
141	1,240	241	620	Petition to revive - unintentional																																																																																																																																																														
142	1,240	242	620	Utility issue fee (or reissue)																																																																																																																																																														
143	440	243	220	Design issue fee																																																																																																																																																														
144	600	244	300	Plant issue fee																																																																																																																																																														
122	130	122	130	Petitions to the Commissioner																																																																																																																																																														
123	50	123	50	Processing fee under 37 CFR 1.17(q)																																																																																																																																																														
126	180	126	180	Submission of Information Disclosure Stmt																																																																																																																																																														
581	40	581	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																														
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																														
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																														
179	710	279	355	Request for Continued Examination (RCE)																																																																																																																																																														
169	900	169	900	Request for expedited examination of a design application																																																																																																																																																														
Other fee (specify) _____																																																																																																																																																																		
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$)																																																																																																																																																														
**or number previously paid, if greater; For Reissues, see above																																																																																																																																																																		

SUBMITTED BY		Complete (if applicable)		
Name (Print/Type)	Anne Brown	Registration No. (Attorney/Agent)	36,463	Telephone (703) 683-6197
Signature	<i>Anne Brown</i>	Date	June 26, 2001	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



PTO/SB/06 (08-00)

Approved for use through 10/31/2002. OMB 0651-0032

U. S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD

Application or Docket Number  
Application No.: 09/760,897  
Docket No.: 0221-0003O(C)

CLAIMS AS FILED - PART I			SMALL ENTITY		OTHER THAN SMALL ENTITY	
(Column 1)			(Column 2)		(Column 3)	
FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEES	RATE	FEES
BASIC FEE (37 CFR 1.16(a))				\$ 355.00		
TOTAL CLAIMS (37 CFR 1.16(c))	1 minus 20 =	* 0	x \$ 9.00 =	0.00	OR x \$ =	\$ _____
INDEPENDENT CLAIMS (37 CFR 1.16(b))	1 minus 3 =	* 0	x 39.00 =	0.00	OR x =	_____
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))			+ _____ =		OR + _____ =	
			TOTAL	\$355.00	OR TOTAL	

\* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II			SMALL ENTITY		OTHER THAN SMALL ENTITY		
(Column 1)			(Column 2)		(Column 3)		
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE	
Total (37 CFR 1.16(c))	* 20	Minus	** 20	= 0	x \$ 9.00 =	0.00	
Independent (37 CFR 1.16(b))	* 13	Minus	*** 3	= 10	x 39.00 =	390.00	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))					+ _____ =		
					TOTAL	\$390.00	OR TOTAL ADDIT. FEE

(Column 1)			(Column 2)		(Column 3)		
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE	
Total (37 CFR 1.16(c))	*	Minus	**	=	x \$ _____ =		
Independent (37 CFR 1.16(b))	*	Minus	***	=	x _____ =		
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))					+ _____ =		
					TOTAL		OR TOTAL ADDIT. FEE

(Column 1)			(Column 2)		(Column 3)		
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE	
Total (37 CFR 1.16(c))	*	Minus	**	=	x \$ _____ =		
Independent (37 CFR 1.16(b))	*	Minus	***	=	x _____ =		
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))					+ _____ =		
					TOTAL		OR TOTAL ADDIT. FEE

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case.

Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.